



**BOARD OF SELECTMEN**  
**TOWN OF TEWKSBURY**  
TOWN HALL  
1009 MAIN ST  
TEWKSBURY, MASSACHUSETTS 01876

BRUCE PANILAITIS, PH.D., CHAIRMAN  
MARK S. KRATMAN, VICE CHAIRMAN  
ANNE MARIE STRONACH, CLERK  
DAVID H. GAY  
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**MEETING MINUTES**  
**APRIL 26, 2016**

Mr. Panilaitis opened the meeting for regular session at 7:00 p.m. Attendees were Bruce Panilaitis, Mark Kratman, Anne Marie Stronach, Todd Johnson, David Gay and Richard Montuori.

**Mike and Julie Kelley—Use of Town Land**

Both Mr. Michael Kelley and Mrs. Julie Kelley were present for this discussion. Mr. Kelley explained their initiative is to provide 400 bottles of honey to the Tewksbury Food Pantry. They reached out to Farmer Dave at the corner of Livingston Street and East Street and he was very supportive of putting a bee hive there. However, due to construction near this location, the hives need to be relocated. Attorney Zaroulis and the Town Manager have developed a license agreement for the bee hives to be put on the town land. This is a small enough project. Town manager confirmed that no procurement is needed. A harvest will take place twice a year, once at the 4<sup>th</sup> of July and the other at Labor Day. The Kelley's gave a brief overview of how the harvest is completed.

For clarity sake Mr. Johnson made note that he is a director and volunteer of the Tewksbury Food Pantry, and for the purpose of any votes wanted to disclose this relationship.

Mr. Kelley also stated there would only be 6 hives. During peak season there could be 50,000 to 60,000 bees per hive. The project would follow the state's regulation and will be monitored by the State Bee Inspector. The site will be registered, insured, and marked with Kelley's name and phone. There will also be warning signs positioned around the site to be in compliance with regulations. Each hive is anchored to a 250-pound concrete block and is tied down with ratchets.

The Kelley's are excited about this opportunity and feel it is a good educational opportunity for students of Tewksbury.

**MOTION: Mrs. Stronach made the motion to authorize the license agreement as presented by the Town Manager; seconded by Mr. Gay, and the vote was unanimous.**

**Mark Proctor, Mavericks, Change of Manager**

Mr. Doug Sears, legal counsel for the applicant, Mark Proctor. Mr. Proctor's mother has passed away and was the manager for the business. An application has been made to ABCC, the CORI check as come back in good standing. Mr. Proctor is trying to keep a small business alive with 20 employees, mostly residents of Tewksbury. Mr. Proctor has been brought up in business since he was 18 and is now 23. He is well qualified to run Mavericks.

The Chair noted all documents are in order. There is a pending court action in the appointment of the Executor of the estate, but Mr. Sears does not expect any objections as there are no objections.

The Chair also noted the outstanding \$37,000 in taxes and other payments are owed to the town, and made it clear the board would like this matter taken care of as soon as possible.

**MOTION: Mr. Kratman made the motion to approve the request for Change of Manager for Mavericks, contingent upon the court approval of Mark Proctor as Executor of the Estate of Renee Proctor within six months of the date of this vote, and the Town of Tewksbury be provided with certified copies of the court action; seconded by Mrs. Stronach, and the vote was unanimous.**

### **Residents**

The Chair called for residents to come before the Selectmen. There were no residents in the audience who came forward to speak on any topics.

### **New Business**

#### **Confirm MSBA Vote**

The Board of Selectmen voted for the wrong primary school. The vote was for the Dewing and it should have been for the North Street. The Selectmen then called an emergency meeting April 8, 2016 to correct this error and the Town Clerk did certify the vote. The deadline for the submission to the Mass School Building Commission was April 8, so it was necessary to call the emergency meeting.

#### **Formation of Cable Committee**

The Board of Selectmen has previously discussed a separate non-profit group or a possible cable committee for the town. Mr. Montuori has sent the members a charge of the committee and it has been finalized. Funding will be from the fees received from Verizon and Comcast. This committee will research options for cable operations for the town. Specifics of the committee, and the tasks to accomplish were distributed. One charge would be to research the possibility of a public access channel. Mrs. Stronach suggested having a Selectmen member serve on this committee.

**MOTION: Mr. Johnson made the motion to approve the constitution and posting of the Cable Committee in the format that proposed by the Town Manager; seconded by Mr. Kratman. DISCUSSION: Mrs. Stronach noted that she would be attending the meetings for the Cable Committee and reporting back to the Selectmen. Mr. Panilaitis noted that when there is a resident committee, a Board of Selectmen can be appointed to the committee as a resident member. The vote was unanimous.**

#### **Public Events and Celebrations Committee Membership**

Mr. Gay announced the committee would like to expand their membership by one to include Mr. Mike Early to the committee. The committee knows Mr. Early very well and feels he would be a great addition to the committee. For the record there are 10 members and are requesting to expand to 11 members.

**MOTION: Mr. Gay made the motion to approve the expansion of the Public Events and Celebrations Committee by one member from 10 members to 11 members; seconded by Mr. Kratman, and the vote was unanimous.**

**MOTION: Mr. Gay made the motion to nominate Mr. Mike Early to the Public Events and Celebrations Committee. DISCUSSION: Mr. Johnson confirmed there have been no other applicants for this committee, and Mr. Gay stated no. The motion was seconded by Mrs. Stronach, and the vote was unanimous.**

#### **Planning Board—Zoning By-law Committee Representatives**

Correspondence from the Planning Board was received requesting a modification of the committee members. At last night's Planning Board meeting the members voted their representative, and is comfortable holding back this modification request. It was noted Mrs. Nancy Reed was appointed as the Planning Board representative to the Zoning By-law Committee. There was no action taken by the Selectmen.

#### **Jonathan Parker—resignation from Conservation Commission**

#### **Ron Roy—resignation from Local Housing Partnership**

The Selectmen acknowledged both Mr. Ron Roy and Mr. Jonathan Parker resignations from these committees respectively and thanked them for their service.

#### **Department of Public Utilities—Tennessee Gas Pipeline, LLC**

At a previous Selectmen's meeting, it was discussed that Kinder Morgan was requesting access to properties in Tewksbury without permission from the owner to conduct a survey. Mr. Panilaitis, Mrs. Stronach, Mr. Sadwick, and Mr. Boyd all attended this meeting where the topic was discussed. They were working on a letter for the residents to submit to the Department of Utilities; however Kinder Morgan Tennessee Gas Pipeline, LLC has announced the project has been suspended indefinitely. All meetings have been cancelled; all information points to this project on all accounts shut down. The Selectmen will continue to monitor, but do not expect it to be revitalized.

Mrs. Stronach thanked Mr. Panilaitis for attending the coalition meetings. She also alerted the public that on May 26, the project will be providing a status report to the public.

*At this time it was noted there was difficulty with the video and sound on Verizon. A reminder was stated to the public that the meeting is recorded and will be replayed at a later time.*

#### **Annual Town Meeting Warrant**

Annual Town Meeting will begin at 8:00 p.m. next Monday, May 2, 2016.

#### *Article 1*

The Selectmen took no action on this article.

#### *Article 2*

The purpose of the article is to fix the salaries of certain elected Town officials.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 2 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

### *Article 3*

The purpose of the article is to accept the consent calendar.

**MOTION:** Mr. Johnson made the motion to recommend for adoption Article 3-21 accepting the report of various Town Officers from the 2015 Town Report located on the Town's website; seconded by Mr. Gay, and the vote was unanimous.

**MOTION:** Mrs. Stronach made the motion to recommend for adoption Article 3-22 accepting the Lease and Purchase Agreements for equipment in various departments; seconded by Mr. Gay, and the vote was unanimous.

**MOTION:** Mr. Kratman made the motion to recommend for adoption Article 3-23 authorizing Chapter 90 Funds to be spent by the Town of Tewksbury; seconded by Mr. Gay, and the vote was unanimous.

**MOTION:** Mr. Johnson made the motion to recommend for adoption Article 3-24 re-authorizing self sufficient revolving fund accounts as presented; seconded by Mr. Kratman, and the vote was unanimous.

### *Article 4*

The purpose of the article is to fund various department budgets for FY 2017.

The Town Manager noted a total increase of \$2.7M, and a total budget of \$99,697,945 he is recommending for FY2017.

The budget was presented to community by the Town Manager. The Finance Committee will vote on their recommendation tomorrow night at 7:00 p.m. Mr. Johnson noted it is the most generous budget since he has sat on the board, namely by opening the library on Sundays, a full-day kindergarten program, and adding health outreach counseling at the Senior Center. These are just a few of the many needed services residents have asked for and are concerned about. Several structural and maintenance items are also covered in the current budget. The Selectmen agreed this is an exceptional budget considering the limited resources currently on staff.

Mrs. Stronach recognized the employee's concessions to health care benefits to make the budget a reality.

**MOTION:** Mr. Johnson made the motion to recommend for adoption Article 4 for a total FY17 budget of \$99,697,945; seconded by Mr. Gay, and the vote was unanimous.

### *Article 5*

The purpose of this article is to fund the Sewer Enterprise Fund for Fiscal Year 2017.

**MOTION:** Mr. Gay made the motion to recommend for adoption Article 5 as presented; seconded by Mr. Johnson, and the vote was unanimous.

### *Article 6*

The purpose of this article is to fund the Water Enterprise Fund for Fiscal Year 2017.

**MOTION:** Mr. Johnson made the motion to recommend for adoption Article 6 as presented; seconded by Mr. Gay, and the vote was unanimous.

*Article 7*

This article is to transfer funds available from Bond Proceeds the sum of \$40,760.36 to reduce Town Exempt Debt Service Principal.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 7 as presented; seconded by Mrs. Stronach, and the vote was unanimous.**

*Article 8*

This article requests Town Meeting to approve funds that were reimbursed to the Town for the above purpose to be reallocated to the Town's transportation projects. These projects are for Strongwater Brook Hazard Mitigation Project, Fund #3228 for \$64,263.50 and River Road Storm Damage, Fund #3309 for \$9,958.19.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 8 as presented; seconded by Mr. Gay, and the vote was unanimous.**

*Article 9*

This article allows the Town to utilize funds considered surplus from Assessors Overlay Reserve to transfer \$25,000 to fund a Senior Tax Relief Program/Veterans Tax Relief Program that allows eligible Senior- Citizens /Veterans of the Town to work for Town and School offices and receive a reduction in their property tax bill.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 9 as presented; seconded by Mr. Gay, and the vote was unanimous.**

*Article 10*

This article authorizes the Town of Tewksbury Health Department/Board of Health to amend an existing self-sufficient fund to account for Fiscal Year 2017 revenues and expenditures relating to vaccines and medical related reimbursements that the Tewksbury Health Department/Board of Health receives. The fund in any given fiscal year shall be limited to \$10,000.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 10 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

*Article 11*

This article authorizes the Town to continue a self-sufficient revolving fund to account for the revenues and expenditures of maintaining a GIS program in the Town of Tewksbury for FY17 with an increase to its funding authorization from \$25,000 to \$50,000.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 11 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

*Article 12*

This article authorizes the Town to continue a self-sufficient revolving fund to account for the revenues and expenditures of activities run by the Tewksbury Council on Aging for FY17 with an increase to its funding authorization from \$50,000 to \$150,000. Due to increase activities and gift shop.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 12 as presented; seconded by Mr. Gay, and the vote was unanimous.**

### *Article 13*

This article authorizes the Town to create an Enterprise Fund to account for the revenues and expenditures of all operations and activities for Cable Access Television.

This article does not include cable revenue in budget for the enterprise fund.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 13 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

### *Article 14*

This article amends Addendum D of the Personnel Bylaw by deleting the positions no longer needed, adding new positions, and also increasing hourly wages recommended by Municipal Resources, Inc.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 14 as presented; seconded by Mr. Gay, and the vote was unanimous.**

### *Article 15*

This article amends Addendums of the Personnel Bylaw to add new Job Titles and Classifications. Positions needed to add for future.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 15 as presented; seconded by Mr. Gay, and the vote was unanimous.**

### *Article 16*

This article amends the Personnel Bylaw to maintain the current Job Titles and Classifications, and also replaces the remaining Bylaw with the language within the article to reflect updates that are consistent with the Town Charter and more flexible for administration and oversight. A supplementary explanation will be provided at Town Meeting as an Executive Summary is limited to 100 words. Mr. Montuori has worked with Teresa Belanger on an employee handbook related to benefits. In order to streamline changes to the bylaw and adapt changes quickly; asking town meeting allow changes to be made by the Board of Selectmen. Proposed amendment to the bylaw does not change any responsibilities currently held by the managers or the Board of Selectmen. Town meeting will still need to approve changes to personnel guidelines or salaries. This is an effort to streamline the process to update only.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 16 as presented; seconded by Mr. Gay, vote passed 4-1; Mrs. Stronach opposed.**

### *Article 17*

According to Chapter 105 of the Acts of 2003, the Tewksbury Affordable Housing Trust Fund is to have an allocation submitted to and approved at the Annual Town Meeting. The Fiscal Year 2017 allocation plan meets the expenditure requirements of the Special Act.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 17 as presented; seconded by Mr. Gay, and the vote was unanimous.**

### *Article 18*

Massachusetts General Law, Chapter- 44B requires that the Town appropriate for spending, preserve for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing, FY2017 Historic 10% Reserve will be achieved with the Town Hall

Rehabilitation Bond payment. The total CPA Estimated FY16 revenue is \$878,515.51.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 18 as presented; seconded by Mrs. Stronach, and the vote was unanimous.**

*Article 19*

The CPC seeks approval for CPC funds, as submitted by the Town Conservation Agent, to complete 3 wetland boardwalks on Town owned open space to provide connection of 7 miles of walkable trails on the Bay Circuit Trail, running North to South in the Town, connecting the trail with Andover and Billerica's existing Trail. The funds will also provide for 2 kiosks along the trail with information about the Trail's location and history. Volunteers, such as scouts and trail users, will construct the boardwalks. Creation of this recreational use is sought in the Tewksbury Master Plan and Open Space Plan.

**MOTION: Mr. Johnson made the motion to table the decision on the recommendation of Article 19 to May 2, 2016; seconded by Mrs. Stronach, and the vote was unanimous.**

*Article 20*

The CPC seeks approval for CPC funds, as submitted by the Town Conservation Agent, to restore Long Pond's water quality in order that it is used for recreational purposes. A recent water quality report revealed the pond is not suitable for recreational activities, such as boating, due to the bacterial levels. These funds will be used to chemically treat the pond to correct nutrient and algae levels, for aquatic plant management and investigate remedies for long term health of the Pond. Long Pond is a designated Great Pond in Massachusetts and a recreational asset for residents.

**MOTION: Mr. Johnson made the motion to table the decision on the recommendation of Article 20 to May 2, 2016; seconded by Mrs. Gay, and the vote was unanimous.**

*Articles 21, 22, 23 and 24 were noted in Article 3 for the consent calendar.*

*Article 25*

The Westside Neighborhood Business District was created in 2014 after studying the unique balance of residential and commercial uses in this area which was previously zoned Heavy Industrial District. This article will provide flexibility on dimension requirements for new projects that are under the Planning Board's site plan special permit review process so long as the requests meet the purposes of Section 6701 such as; acknowledge the balance of residential and commercial uses, promote compact development, minimize impacts on public services and provide well designed small businesses and services that support economic development.

**MOTION: Mrs. Stronach made the motion to defer the recommendation at Town Meeting of Article 25 to the Planning Board; seconded by Mr. Kratman, and the vote was unanimous.**

*Article 26*

This article adds the ability for multi-family developments on private ways, it adds a cross reference to Section 7010 the affordability requirement of the bylaw, changes the building height to match what is in the Dimensional Table, and it adds the ability to waive certain portions of this section of the bylaw.

**MOTION: Mr. Johnson made the motion to defer the recommendation at Town Meeting of Article 26 to the Planning Board; seconded by Mrs. Stronach, and the vote was unanimous.**

*Article 27*

This article is a housekeeping item to insert a cross reference to Section 7010 the Affordable Housing Requirement in both the Open Space Residential Design section of the Bylaw and the MFD 55 section of the Bylaw. It consolidates the Affordable Housing requirements within those sections for clarity.

**MOTION: Mrs. Stronach made the motion to defer the recommendation at Town Meeting of Article 27 to the Planning Board; seconded by Mr. Gay, and the vote was unanimous.**

*Article 28*

In order to continue participation in the Flood Plain Insurance Program, the above referenced floodplain map needs to be incorporated into the Town's Floodplain Overlay District. These maps are updating previously existing maps already on file.

Mr. Johnson recommends adoption of the article as he felt it is an important article for the residents and business owners to be protected.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 28 as presented; seconded by Mr. Gay, and the vote was unanimous.**

*Article 29*

This article expands the definition of mixed use development so that housing need not necessarily be a part of the commercial building, but could be accomplished with other building(s) on site. The change is proposed for the Town Center Overlay District, Village Residential Overlay District, Village Mixed-Use District and the South Village Overlay District.

**MOTION: Mr. Johnson made the motion to defer the recommendation at Town Meeting of Article 29 to the Planning Board; seconded by Mr. Gay, and the vote was unanimous.**

*Article 30*

The purpose of this article is to re-zone land currently zoned Office / Research to Multifamily Dwellings.

Mr. Panilaitis took this article out of order on the agenda, as the proponents were present for the discussion of the vote. Mr. Richard O'Neill, Mr. Arnold Martel, Mr. Dick Cuoco, and Mr. Mark Ginsburg were all present. Additionally, Mr. Jim Hanley a civil design consultant was present for questions.

The location of the site to rezone is 300 Ames Pond. This is the same site that has received allot of attention during the proposed casino bid. Currently the property is office research zoned. The applicant is coming before town meeting to request the property to be rezoned as a multiple family. The applicant has been before the Planning Board and received a positive endorsement. No specific design or plan for the site has been established. The applicant is open to fee simple or rentals depending on what town and applicant would mutually agree on.

Abutters have been notified. There are approximately 40, including residents from Andover. Only one resident commented after notification and the answer was positive. Mr. O'Neill made note that this abutters group has been through allot; and are feeling this is a good deal compared to what may have been constructed there.



Mrs. Stronach stated there was a glitch in the printing of the warrant and the maps were not included.

Mr. Panilaitis commented he personally would prefer this property to stay commercial, but understands there hasn't been any offer for development in 20 years.

Mr. Gay made the motion to recommend for adoption, but withdrew this motion.

**MOTION: Mr. Johnson made the motion to defer the recommendation at Town Meeting of Article 30 to the Planning Board; seconded by Mrs. Stronach, and the vote was unanimous.**

#### *Article 31*

The adoption of this article will include the land above in a new zoning overlay district along East Street. This Overlay District recognizes the existing nature of the land described above and allows for this as well as other uses, while underlying zoning rights remain intact.

Mr. Panilaitis also took this article out of order. Present for this discussion was Mr. James Andella and Attorney David Plunkett representing Mr. Andella in this matter. Mr. Andella would like to preserve the Pike House which was built in circa 1740. The structure was given a deferral of demolition by the Historic Board. Mr. Andella will self-fund the move of the house to a three-acre parcel. This is an opportunity to save the structure. The Tewksbury Planning Board voted 3-2 to recommend this article for adoption.

On the rezoning change, if the house is not moved to the parcel the new zoning will go away or essentially the permit is denied. If the house is not moved by August 3, 2016, Group One will demolish the house.

Mr. Andella stated he does have a plan in place to move the house as soon as approval is granted.

**MOTION: Mr. Johnson made the motion to defer the recommendation at Town Meeting of Article 30 to the Planning Board; seconded by Mr. Kratman, and the vote was unanimous.**

#### *Article 32*

The purpose of this article is to delete the time in which Town meeting starts on the first Monday in May and subsequent meetings to allow the Board of Selectmen to choose the time.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 32 as presented; seconded by Mr. Gay, and the vote was unanimous.**

#### *Article 33*

The purpose of this article is to delete the need for a secret ballot for personnel bylaw changes at Town Meeting.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 33 as presented; seconded by Mr. Gay, and the motion carried 4-1 with Mrs. Stronach opposed.**

#### *Article 34*

This article would transfer a parcel of land to be used for building and selling affordable home(s). The

parcel located at 1057 South Street, Map 109 Parcel 71 is approximately 2.86 acres and will be sold through a public procurement process.

The land would be used for a similar project like 110 State Street. With this larger lot more than one house could be constructed here. This is not a straight bid request for proposal. Maps will be distributed at Town Meeting.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 34 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

#### *Article 35*

By accepting this deed, the Town will receive the title to Livingston Street recreation fields.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 35 as presented; seconded by Mrs. Stronach, and the vote was unanimous.**

### **Special Town Meeting Warrant**

#### *Article 1*

This article is a regular Special Town Meeting article where the Town transfers funds from accounts with a projected surplus to accounts with a projected deficit or to accounts to allow for the purchase of needed items or services. Article totaled \$397,021.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 1 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

#### *Article 2*

This article allows the Town to utilize \$975,000 from stabilization funds to replace the 1986 Ladder Truck in the Fire Department.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 2 as presented; seconded by Mr. Gay, and the vote was unanimous.**

#### *Article 3*

This article utilizes the sum of \$160,000 from certified General Fund Free Cash certified as of July 1, 2015 to fund Department of Public Works - Snow and Ice due to the amount of snow and ice events during the winter which exceeded the amount budgeted.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 3 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

#### *Article 4*

This article utilizes the sum of \$349,873 from certified General Fund Free Cash certified as of July 1, 2015 to fund new vehicles, equipment and facility improvements for various departments.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 4 as presented; seconded by Mr. Kratman, and the vote was unanimous.**

#### *Article 5*

This article utilizes the sum of \$40,000. from certified General Fund Free Cash certified as of July 1, 2015 to fund a consultant to conduct a Town-wide visioning session for residents to set goals and priorities for the Town's future.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 5 as presented; seconded by Mr. Kratman, and the motion carried 4-1 with Mrs. Stronach opposed.**

#### *Article 6*

According to Massachusetts General Laws, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid in the amount of \$50,126.05 from certified General Fund Free Cash.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 6 as presented; seconded by Mrs. Stronach, and the vote was unanimous.**

#### *Article 7*

At Special Town Meeting in October 2014, funds were approved to fund an Adopt and Island Program. The Beautification Committee would like to expand the use of funds for the Committee's other programs, projects and events.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 7 as presented; seconded by Mrs. Stronach. DISCUSSION: Mrs. Stronach noted that the Finance Committee and the Finance Department adopted an island and challenged her fellow board members for them to adopt too. The vote was unanimous.**

#### *Article 8*

This article transfers funds received from an insurance claim to purchase a new police cruiser. A police cruiser was in an accident that rendered the vehicle unsafe to drive. The insurance company paid the Town \$32,860 for replacement value but the funds were deposited in the Town's Insurance Recovery Account and needs Town Meeting approval to spend. The Finance Committee approved a transfer from the Reserve Fund to have the cruiser replaced immediately and now this article will replace the funds transferred from the Reserve Fund.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 8 as presented; seconded by Mr. Gay, and the vote was unanimous.**

#### *Article 9*

This article transfers \$151,696. From the Town's Insurance Recovery Account as funds received from an insurance claim for engineering and construction of roof and gutter replacement and repair at the Police Station. The roof at the Police Station was damaged during the winter of 2015 from ice and heavy snow. A report by an engineering consultant recommended areas of the roof be repaired and replaced. A claim was filed with the Town's insurance carrier and the Town received a check to undertake the work. Town meeting needs to approve spending the funds from the insurance recovery account.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 9 as presented; seconded by Mr. Johnson, and the vote was unanimous.**

#### *Article 10*

Funds are available from a settlement with the Valley Collaborative. The funds were placed into the

General Fund and must be appropriated into a budget for expenditure. The funds will then be placed into the School Department Circuit Breaker Fund

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 10 as presented; seconded by Mr. Gay, and the vote was unanimous.**

*Article 11*

Hydrant Replacement Program: funds will replace 25 hydrants in FY17 as part of the ongoing hydrant replacement program. Water Main Repair- and Replacement: funds will be used to repair and replace a broken water main under and in the vicinity of Strongwater Brook. Any remaining funds will be used at other locations. Water Distribution Master Plan: funds will be used to develop a Town-wide water distribution master plan to better understand which areas of Town need to be prioritized and addressed. Repair Vacuum/Rodder Truck: the current 2003 truck needs to be repaired for use by the water and sewer departments. Transfer the sum of \$553,000. from Water Enterprise Fund Retained Earnings for expenditure.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 11 as presented; seconded by Mrs. Stronach, and the vote was unanimous.**

*Article 12*

Sewer Main Repair and Replacement: funds will be used to repair and replace a damaged sewer main under and in the vicinity Strongwater Brook. Any remaining funds will be used at other locations. Pump Station Upgrades: this project is for installation of portable generator plug-in outlets at sewer pump stations not currently capable of connecting to a portable generator. Purchase Mack Vacuum/Rodder Track: funds will be used to purchase Vacuum/Rodder Tuck for the Sewer Department. Repair Vacuum/Rodder Truck: the current 2003 truck needs to be repaired for use by the water and sewer departments. Transfer the sum of \$628,000. from Sewer Enterprise Fund Retained Earnings for expenditure.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 12 as presented; seconded by Mr. Gay, and the vote was unanimous.**

*Article 13*

This Article will allow the Water Enterprise Fund to have a Stabilization Fund to set funds aside for future use for Water Enterprise operations, capital improvements, emergencies and one-time expenditures.

Mr. Montuori had in mind prior to the budget process started to establish a stabilization fund for both water and sewer derived from retained earnings or other revenue in order to plan for longer term or future water and sewer projects. This is allowed under the state statute. It will also be more transparent so residents can see where funds were spent once books are closed. Mrs. Stronach would like to review impact of House Bill 3906, Modernization of Municipal Finance Bill, before making any recommendations on this article and Articles 14, 15 and 16.

**MOTION: Mrs. Stronach made the motion to table the recommendation Articles 13, Article 14, Article 15, and Article 16 pending the Town Manager's review of House Bill 3906 to May 2, 2016; seconded by Mr. Gay, and the vote was unanimous.**

#### *Article 14*

This article seeks approval to set aside these funds in the Stabilization Fund and used for future emergencies or one time purchases or projects.

#### *Article 15*

This Article will allow the Sewer Enterprise Fund to have a Stabilization Fund to set funds aside for future use for Water Enterprise operations, capital improvements, emergencies and one-time expenditures.

#### *Article 16*

This article seeks approval to set aside these funds in the Sewer Stabilization Fund and used for future emergencies or one time purchases or projects.

#### *Article 17*

The CPC seeks approval for these CPC funds, as submitted by the Town Manager, in order to complete the Wamesit Indian Park Landscape Project, The Planning Board received \$25,000 from Wal-Mart in 2010 and in 2015, \$70,000 in CPA Funds were approved at Town Meeting. The bids came in higher than anticipated. This request will close the funding gap. Project start is anticipated late Spring 2016.

**MOTION: Mr. Johnson made the motion to table the recommendation for Article 17 pending the Town Manager's review of the Open Space Reserve Fund until May 2, 2016; seconded by Mr. Gay, and the vote was unanimous.**

#### *Article 18*

In May 2016, the Board of the Massachusetts School Building Authority is expected to vote on Tewksbury's application to accept the Trahan School into the MSBA reimbursement program. If the Town's application is approved at that time, this Article would fund the first phase of the process, conducting a feasibility study which would include the consolidation of school populations.

The Town Manager noted that 50% of this study would be reimbursed by the State.

**MOTION: Mrs. Stronach made the motion to recommend for adoption Article 18 as presented; seconded by Mr. Gay, and the vote was unanimous.**

#### **Town Manager**

##### **Senior Town Counsel Invoice—March 2016 Invoice**

**MOTION: Mr. Gay made the motion to approve the Senior Town Counsel Invoice for March 2016 in the amount of \$7,390 on the recommendation of the Town Manager; seconded by Mr. Kratman and the motion carried 4-0 with Mrs. Stronach not voting.**

##### **Town Counsel Invoice—March 1, 2016 through March 15, 2016**

##### **Town Counsel Invoice—March 16, 2016 through March 31, 2016**

**MOTION: Mr. Gay made the motion to approve the Town Counsel Invoice from Feeley & Brown, P.C. in the amount of \$2,620 for services rendered through March 1 through March 15, 2016; and in the amount of \$3,592.50 for services rendered through March 16 through March 31, 2016; on the recommendation of**

**the Town Manager; seconded by Mr. Kratman and the motion carried 4-0 for a with Mrs. Stronach not voting.**

**Outstanding Minutes: April 5, 2016 (regular session) and April 8, 2016 (regular session)**

Mrs. Stronach made note that the minutes were ready but have not been reviewed and will be presented at the next meeting.

**Board Member Reports**

**Mark Kratman**

- Spring Clean-up will be held on May 14<sup>th</sup>, please visit the town's website to sign up.

**Todd Johnson**

- Out of town most of last week, but understood the community choice energy aggregation agreement and public meetings went very well
  - Mr. Montuori noted had good turnout from residents—probably best turn out with any town
  - Report as of is 9,667 enrollment have taken place and 618 opted out
  - Will put on website regarding rates and
  - Residents have been very positive and thankful the town has pursued this plan

**David Gay**

- Complimented Jay Kelly and Beverly Woods of NMCOC on their position and support in the pipeline negotiations; also grateful for Mr. Panilaitis' participation.
- Public Events and Celebrations Committee held their back to the 80s dance Friday night; very successful, excellent job by the committee

**Anne Marie Stronach**

- Successful Patriots Day Event and well attended; allot of community support
- Reminded residents of the notifications can be received via email or text from the Town; please see the town website to sign up

**Bruce Panilaitis**

- Echoed comments on the Patriots Day event; Dave Marcus, Mike Kelley and the entire team did a great job and it was very well attended
- Town Center Master Plan meeting will be held in late May; the Planning Board approved use of additional planning funds and generate an addendum to the plan presented to the Selectmen last meeting
- EDC no meeting posted, but targeting next meeting to be May 25<sup>th</sup>
- Reminder the Postal Food Drive will be held on May 7<sup>th</sup>

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The next regular scheduled Selectmen's meeting will be held on May 17, 2016 at 7:00 p.m.

***Adjournment***

**MOTION: Mr. Gay made the motion to adjourn; Mr. Johnson seconded, and the vote was unanimous at 9:41 p.m.**

*Approved by the Board of Selectmen on May 17, 2016*